

### **REMARKS**

Applicants respectfully request reconsideration of the present Application. Claim(s) 1, 6, 9, 13, 16, 18-19, 21-24, and 30-31 have been amended herein. Care has been exercised to introduce no new matter. Claims 1-24 and 30-31 are pending and are in condition for allowance.

#### **Rejections based on 35 U.S.C. § 102(a)**

Claims 1-8, 10-16 and 18-24 were rejected under 35 U.S.C. § 102(a) as being anticipated by ObjectDock and Gardner et al., U.S. 7,003,734.

As pointed out under the Examiner Interview section above, the rejection of claims 1-8, 10-16, and 18-24 will be treated as being rejected under 35 USC 103(a). Applicant respectfully traverses the 35 USC 103(a) rejection of claims 1-8, 10-16, and 18-24 over ObjectDock in view of Gardner for the following reasons.

Claim 1 has been amended to include the element of “wherein said menu items comprise at least one section containing only operating system specific menu items and a second section containing only application program specific menu items”. Examiner alleges that ObjectDock discloses “different menu items are displayed next to each other.” However, this is far from disclosing two separate and distinct sections, where the first section contains only operating system specific menu items and the second section contains only application program specific menu items. ObjectDock may disclose a number of menu items to choose from. However, they are all included together in one “section” or area or grouping; the items are not grouped or divided into more than one section according to an operating system action or an application program action, as required by Applicants’ claimed invention.

Independent claim 19 similarly claims the feature of “said menu item comprising at least one section containing only operating system specific menu items and a second section containing only application program specific menu items”. The prior art of record does not disclose menu items comprising two separate and distinct areas, where the first section contains only operating system specific menu items and the second section contains only application program specific menu items. ObjectDock may disclose a number of menu items to choose from. However, they are all included together in one “section” or area or grouping; the items are not grouped or divided into more than one section according to an operating system action or an application program action, as required by Applicants’ claimed invention.

Independent claims 1 and 19 are now in condition for allowance. Dependent claims 2-12 and 20-24 are also now in allowable form, for at least the reasons given above with respect to claims 1 and 19. Therefore, Applicant respectfully requests the withdrawal of the 35 USC 103(a) rejection of claims 1-8, 10-12, and 19-24 over ObjectDock in view of Gardner.

Independent claim 13 has been amended to further include the feature of an icon in a distinct area, “wherein the distinct area remains in a fixed position relative to the pointer”. This provides the advantage of having the icon “float” with the pointer, rather than disappearing when the pointer is moved a certain distance away from the menu item (Applicant’s spec [38]). The prior art of record either singly or in combination does not disclose this claimed feature. Independent claim 13 is now in allowable form, as are dependent claims 14-18 for at least these reasons. Therefore, Applicant respectfully requests the withdrawal of the rejection of claims 13-18 under 35 USC 103(a) over ObjectDock in view of Gardner.

**Rejections based on 35 U.S.C. § 103(a)**

Claims 9 and 30-31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over ObjectDock, Gardner and Rosendahl et al., U.S. Patent No. 5,452,414. Applicant respectfully traverses the rejection of said claims 9 and 30-31 for the following reasons.

Independent claim 1, from which claim 9 depends has been amended to include the element of “wherein said menu items comprise at least one section containing only operating system specific menu items and a second section containing only application program specific menu items”. Examiner alleges that ObjectDock discloses “different menu items are displayed next to each other.” However, this is far from disclosing two separate and distinct sections, where the first section contains only operating system specific menu items and the second section contains only application program specific menu items. Gardner and Rosendahl, either singly or in combination do not disclose the claimed feature of two separate and distinct menu item sections.

Independent claim 30 has been amended to further clarify a plurality of separate sections (and not just separate menu items), where the first section contains only operating system specific menu items and the second section contains only application program specific menu items. Claims 9 and 30-31 are now in allowable form. Therefore, Applicant respectfully requests the withdrawal of said claims 9 and 30-31 under 35 USC 103(a) over ObjectDock in view of Gardner and Rosendahl.

Claims 17 and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over ObjectDock, Gardner and Viellescaze et al., U.S. Publication No. 2004/0179043. Applicant respectfully traverses the rejection of claims 17 and 23 for the following reasons.

Independent claim 13, from which claim 17 depends has been amended to include the feature of an icon in a distinct area, “wherein the distinct area remains in a fixed position relative to the pointer”. This provides the advantage of having the icon “float” with the pointer, rather than disappearing when the pointer is moved a certain distance away from the menu item. The prior art of record either singly or in combination does not disclose this claimed feature. Claim 17 is now in allowable form. Therefore, Applicant respectfully requests the withdrawal of the rejection of claim 17 under 35 USC 103(a) over ObjectDock in view of Gardner and Viellescaze.

Independent claim 19, from which claim 23 depends has been amended to include the feature of “said menu item comprising at least one section containing only operating system specific menu items and a second section containing only application program specific menu items”. The prior art of record either singly or in combination does not disclose menu items comprising two separate and distinct areas, where the first section contains only operating system specific menu items and the second section contains only application program specific menu items. Claim 23 is now in allowable form. Therefore, Applicant respectfully requests the withdrawal of the rejection of claim 23 under 35 USC 103(a) over ObjectDock in view of Gardner and Viellescaze.

### **CONCLUSION**

For at least the reasons stated above, claims 1-24 and 30-31 are now in condition for allowance. Applicants respectfully request withdrawal of the pending rejections and allowance of the claims. If any issues remain that would prevent issuance of this application, the Examiner is urged to contact the undersigned – 202-783-8400 or [nberezny@shb.com](mailto:nberezny@shb.com) (such communication via email is herein expressly granted) – to resolve the same. The Commissioner is hereby authorized to charge any amount required to Deposit Account No. 19-2112.

Respectfully submitted,

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